

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTONIO ALIE McMANN,
#200423,

Plaintiff,

v.

MUSKEGON COUNTY JAIL, et al.,

Defendants.

Hon. Hala Y. Jarbou

Case No. 1:21-cv-3

DEFICIENCY ORDER
FOR A CIVIL ACTION

_____ /

This is a civil action filed by a plaintiff who is a prisoner. The filing fee for a civil action is \$402.00. Plaintiff has failed to pay the filing fee or to apply in the manner required by law to proceed *in forma pauperis*. Under the provisions of the Prison Litigation Reform Act of 1995, if a prisoner wishes to proceed *in forma pauperis*, the prisoner must file a certified copy of a prisoner trust account statement and an affidavit of indigence. 28 U.S.C. § 1915(a)(2); *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997). Plaintiff has failed to file the required affidavit of indigence and trust account statement in order to proceed *in forma pauperis*. Plaintiff is notified of the following deficiencies.

Plaintiff is informed that within 28 days from the date of this notice, he must submit the \$402.00 filing fee or, alternatively, file the required affidavit of indigence and trust account statement. See *McGore*, 114 F.3d at 605. The affidavit must include a statement of all assets plaintiff possesses, a statement that plaintiff is unable to pay the fee or give security therefor, and a statement of the nature of the action. 28 U.S.C. §§ 1915(a)(1) & (2). Plaintiff must file either Form 4 from the Appendix of Forms found in the Federal Rules of Appellate Procedure, or an affidavit containing the identical information

requested in Form 4. *See McGore*, 114 F.3d at 605. The trust account statement must be a certified copy and must be for the 6 months immediately preceding the filing of plaintiff's complaint. 28 U.S.C. § 1915(a)(2); *see McGore*, 114 F.3d at 605.

Plaintiff also is notified that if he fails to pay the filing fee or to file the required documents as described above, the Court must presume that he is not proceeding *in forma pauperis*. *See McGore*, 114 F.3d at 605. In that case, the Court must assess the entire filing fee and must order the case dismissed for want of prosecution. *See id.* If plaintiff's action is dismissed under these circumstances, it will not be reinstated even if plaintiff subsequently pays the filing fee. *See id.*

Date: January 7, 2021
pjlw

/s/ Ray Kent
RAY KENT
U.S. Magistrate Judge

FILING FEES SHALL BE REMITTED TO:

Clerk, U.S. District Court
399 Federal Bldg.
110 Michigan St., N.W.
Grand Rapids, MI 49503

All checks or other forms of payment shall be payable to "Clerk, U.S. District Court."